

REMARKS

Claims 8 - 19 are pending in the application.

In the Office Action, claims 8 - 19 are provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 10 - 25 of copending Application No. 10/603,758. Also, in the Office Action, claims 8 and 13 are rejected under 35 U.S.C 102(b) as being anticipated by US Patent No. 5,554,284 to Bartelt et al. Additionally, in the Office Action, claims 9 – 12 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater. Furthermore, in the Office Action, claims 14 and 19 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al. Moreover, in the Office Action, claims 15 – 18 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater.

With respect to the provisional rejection of claims 8 - 19 on the grounds of obviousness-type double patenting as being unpatentable over claims 10 - 25 of copending Application No. 10/603,758, Applicant is willing to submit a terminal disclaimer as appropriate to limit any patent issuing on the present application to be co-terminous with any patent that may issue embodying claims 10 - 25 of copending Application No. 10/603,758.

With respect to the rejection of claims 8 - 19 under 35 U.S.C 102(b) and 35 U.S.C 103(a), Applicant respectfully traverses these rejections of the claims in view of the following comments.

Bartelt et al '284 shows, in FIG. 5b, the position during the operation; that is, during the filtering operation, in which case the unfiltered liquid flows downward. As a result of the pressure of the approaching unfiltered liquid, the resilient tongues move downward and their free tip ends come to rest against the slanted edges of the filter plate 11. During backwashing, the tongues 110 move in accordance with FIG. 5c in the

opposite direction, so that the slit-like openings are enlarged and particles which are caught in the filter gap can be removed without any difficulty.

Inoue et al '163 discloses a dishwasher 1 having a washing chamber member 40, a water tank 12, and a washing filter 19 formed of metal and having a plurality of punching holes allowing passage of water but not garbage disposed on the water tank 12. On a front wide corner of washing filter 19, a garbage receiving portion 19a is provided, which has its bottom surface made lower than the top surface of washing filter 19. A basket for receiving garbage is attached to garbage receiving portion 19a. The user can take out the basket and dispose the garbage received by the basket. On the upper surface at the deep central portion of washing filter 19, a turntable support portion 19b for supporting rotary axis 20 of dish washing basket 8 is provided.

It is submitted that none of the cited references, either alone or in combination with one another, teach or disclose the filter recited in claims 8 – 19. For example, with respect to the rejection of claims 14 and 19 under 35 U.S.C 103(a) as unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al, Applicant submits neither Bartelt et al '284 nor Inoue et al '163 provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to selectively combine the respective arrangements of these two references in the manner set forth in the Office Action. For example, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. In contrast, Inoue et al '163 discloses a non-rotatable washing filter 19 whose garbage receiving portion 19a has a basket for receiving garbage attached thereto that the user can take out in order to dispose the garbage received by the basket; it can clearly be seen that the Inoue et al '163 arrangement does not contemplate a backwash cleaning of its washing filter 19. In view of the different filter structures of the Bartelt et al '284 and the Inoue et al '163 arrangements, and particularly in view of their contrasting filter cleaning approaches (e.g., the backwash approach of Bartelt et al '284 and the basket removal approach of Inoue et al '163), it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these references. Moreover, even if these cited references

provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Applicant submits there is not, it is clear that neither reference provides any guidance as to how such a modification could be effected. Moreover, it is even clearer that neither reference provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these two references so as to produce the modified filter arrangement set forth in the Office Action.

Thus, Applicant submits that claims 8 - 19 are now in condition for allowance and early action toward that end is respectfully requested.

Respectfully submitted



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